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Joseph Bianco

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EXAMINER

BASHORE, WILLIAM L

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/899,653

Applicant(s)

BIANCO, JOSEPH

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-17, 21-27, 29, 31, 32, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) 34 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-17, 21-27, 29, 31, 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: amendment filed 2/27/2006, to the original application filed **July 5, 2001**.
2. Claims 1-4, 8-17, 21-27, 29, 31-32, 34-35 pending. Dependent claim 35 has been added. Claims 1, 14, 27, 29, 31, 34 are independent claims. Claims 34-35 are withdrawn from consideration.

### ***Election/Restrictions***

3. Applicant's traverse of the examiner's constructive election by original representation in the reply filed on 2/27/2006 is acknowledged. Said election resulted in the examiner's withdrawal of independent claim 34 (and currently newly dependent claim 35) from examination on the merits. The traversal is on the ground(s) that the play time of the document refers to the play time of the audio or video clip document, not a play time of an audio or video object associated with a document as assumed by the Examiner. Applicant's specification is cited in additional support (page 17 of amendment). This is not found persuasive because of the following:

Applicant's claimed invention deals in part with correlation between document properties utilizing various axes on a correlation framework (e.g. a two dimensional graph – see Specification Figures 3-5). It is the examiner's opinion that the graphs displayed within said figures reflect a form of synchronization to the extent that each document is matched (synchronized) to a set of common axes accordingly. In a broad sense, the documents can be interpreted as synchronized with each other based upon common frames of reference.

The examiner respectfully disagrees with the assertion that the referred audio or video should not be interpreted as objects. Nevertheless, including video/audio documents as part of the correlation analysis implies correlation (synchronization as explained above) of both video/audio documents and non-video/audio documents within the same framework, therefore, resulting in synchronization of diverse media.

The requirement is still deemed proper and is therefore made FINAL. Accordingly, newly added claim 35 has now been withdrawn from examination due to its dependence upon independent claim 34.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 8-14, 21-27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasnick et al., (hereinafter Strasnick), U.S. Patent No. 5,671,381 (filed June 6, 1995), issued September 1997, in view of Pirolli et al. (hereinafter Pirolli), U.S. Patent No. 6,098,064 (filed May 22, 1998), issued August 2000.**

**In regard to independent claim 1**, Strasnick teaches display, management, and access of files representing documents using a three dimensional display (Strasnick Abstract, Figures 1, 4A-4C, also column 10 lines 14-18; compare with claim 1 “*A method for accessing documents using a graphical user interface, the method comprising the steps of:*”).

Strasnick teaches that information objects (data blocks) contain attributes, said attributes are used for mapping each data block resulting in a 3D correlation between attributes (Strasnick column 4 lines 18-22, 35-40, 45-51). Figure 1 of Strasnick shows a file displayed as a 3D column identifying each document (a form of document identifier), the height of said column proportional to its size, while the column's color represents the file's age (Strasnick column 5 lines 50-67, column 6 lines 10-14). Therefore correlations (and attributes) between file sizes and ages are accessed via their graphical depictions and positions relative to one another.

Strasnick does not specifically teach “*retrieval times*” associated with a document. However, Pirolli teaches document analysis based upon ranking of a “needs list”, said list associated with collected data regarding document retrieval times (as well as document size) (Pirolli column 10 lines 5-11). It is noted that

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Pirrolli's data can be graphed accordingly (Pirrolli column 9 lines 30-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pirrolli to Strasnick, providing Strasnick the benefit of retrieval times for aiding in the decision process regarding whether to download a particular document.

Strasnick teaches zooming onto a selected data block (i.e. a file document) and retrieving/viewing the contents of said document (Strasnick column 10 lines 12-18, Figure 4A, 4B; compare with claim 1 "*receiving a user document selection associated with the document identifier*", and "*retrieving the document associated with the document identifier*").

Strasnick does not specifically disclose the word "indices" for producing visual correlations. However, since Strasnick's display (Strasnick Figure 1) clearly depicts a three dimensional bar graph, and since it is generally well known that two or three dimensional graphs (at least implicitly) utilize indices in the x, y, z planes, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the display of indices along with the display of Strasnick Figure 1, providing the benefit of explicit indices to further aid in correlations.

Strasnick teaches a multi-dimensional grid (Strasnick Figure 1).

Strasnick teaches a plurality of document files correlated with each other in a directory (Strasnick Figure 1, column 5 lines 50-66). It is noted that the three dimensional graph of Strasnick Figure reflects a single correlation framework, with correlation applied to a plurality of documents within said graph, so as to visually analyze correlations between document properties.

**In regard to dependent claims 8, 9,** Strasnick teaches multiple correlation frameworks which can be used with a plurality of document sets and directories (Strasnick Figures 1-3, 4A-4C), said document sets can be replaced accordingly.

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**In regard to dependent claim 10**, Strasnick teaches a hyperlink to other data blocks, or to related cells (since said hyperlink emanates from the base document, it is therefore associated with the document) (Strasnick column 10 lines 49-51, Figure 4A item 410).

**In regard to dependent claim 11**, Strasnick teaches a navigation control for navigating around columns, etc. (Strasnick Figure 1 upper left control buttons, slider bars, etc., also column 4 lines 52-65).

**In regard to dependent claims 12, 13**, Strasnick teaches selecting a cell to view (access) its contents (i.e. displayed on a monitor for visual perusal) (Strasnick column 10 lines 15-18). The selection of said document incorporates an identifier, an associated link, and a page, as explained above.

**In regard to independent claim 14**, claim 14 reflects the system comprising computer readable instructions used for implementing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Strasnick teaches an I/O adapter, a communications adapter, a display, a memory, and a CPU (with processor (Strasnick Figure 13).

**In regard to dependent claims 21-26**, claims 20-26 reflect the system comprising computer readable instructions used for implementing the methods as claimed in claims 8-13, respectively, and are rejected along the same rationale.

**In regard to independent claim 27**, claim 27 incorporates substantially similar subject matter as claimed in claim 14, and is rejected along the same rationale.

**In regard to independent claim 29**, claim 29 reflects the computer program product comprising computer readable instructions used for implementing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Strasnick teaches a display, a memory, and a CPU (with processor (Strasnick Figure 13).

**In regard to independent claim 31**, claim 31 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Strasnick teaches display, management, and access of files representing documents using a three dimensional display (Strasnick Abstract, Figures 1, 4A-4C, also column 10 lines 14-18).

Strasnick teaches that information objects (data blocks) contain attributes, said attributes are used for mapping each data block resulting in a 3D correlation between attributes (Strasnick column 4 lines 18-22, 35-40, 45-51). Figure 1 of Strasnick shows a file displayed as a 3D column identifying each document (a form of document identifier), the height of said column proportional to its size, while the column's color represents the file's age (Strasnick column 5 lines 50-67, column 6 lines 10-14). Therefore correlations (and attributes) between file sizes and ages are accessed via their graphical depictions and positions relative to one another.

Strasnick does not specifically disclose "indices" for producing visual correlations with values. However, since Strasnick's display (Strasnick Figure 1) clearly depicts a three dimensional bar graph, and since it is generally well known that two or three dimensional graphs utilize (at least implicitly) indices in the x, y, z planes, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the display of indices along with the display of Strasnick Figure 1, providing the benefit of explicit indices to further aid in correlations.

**In regard to dependent claim 32**, Strasnick teaches zooming onto a selected data block (i.e. a file document) and retrieving/viewing the contents of said document (Strasnick column 10 lines 12-18, Figure 4A, 4B).

7. **Claims 2-4, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasnick, in view of Pirolli, and further in view of Freeman et al. (hereinafter Freeman), U.S. Patent No. 6,006,227 filed June 28, 1996, issued December 1999 (cited in a previous action).**

**In regard to dependent claim 2**, Strasnick teaches monitoring and updating of selected cells (i.e. documents) (Strasnick column 9 lines 50-55, column 10 lines 27-33). Strasnick also teaches a database for storing data, as well as connection to a network (Strasnick column 9 lines 50-55, Figure 13, column 5 lines 29-39). Strasnick does not specifically teach sending a document identity to a document server to obtain updated properties. However, Freeman teaches receiving data (documents) from the Internet (Freeman column 2 lines 52-56, column 3 lines 6-12). Since Internet (i.e. Web based) documents are accessed via URLs (a form of document identity), said document is retrieved (from Web servers) along with its properties to be analyzed. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Freeman to Strasnick, providing Strasnick the benefit of accessing Internet documents, therefore accessing a worldwide collection of files.

**In regard to dependent claims 3, 4**, Strasnick teaches automatically and continuously updating files (Strasnick column 9 lines 50-55, column 6 lines 27-30). The period of updating is continuous.

Strasnick teaches communication with a network (Strasnick Figure 13), said communication inherently incorporating signals related to bandwidth of the connection. Strasnick does not specifically teach a time response signal for computing a time property. However, Freeman teaches external applications having editing/creation access to documents, whereby incoming and newly created documents are displayed accordingly, since said documents are externally created, access time and bandwidth are associated accordingly (Freeman column 6 lines 38-52). It would have been obvious to one of ordinary skill in the art at the time of the



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invention to apply Freeman to Strasnick, providing Strasnick the benefit of external access (i.e. networked based editing programs, etc.) for associating time of access.

**In regard to dependent claims 15-17**, claims 15-17 reflect the system comprising computer readable instructions used for implementing the methods as claimed in claims 2-4, respectively, and are rejected along the same rationale.

#### ***Response to Arguments***

8. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues on page 18 of the amendment that the cited art of record does not teach and/or fairly suggest Applicant's claimed invention (in particular, the amended subject matter corresponding to dependent claim 6 (now canceled), its content presently incorporated into the independent claims. However, Applicant does not appear to elaborate as to how and/or why the claims differ with the combination of art applied in the instant rejection of the pending claims. Accordingly, Strasnick teaches a plurality of document files correlated with each other in a directory (Strasnick Figure 1, column 5 lines 50-66). It is noted that the three dimensional graph of Strasnick Figure reflects a single correlation framework, with correlation applied to a plurality of documents within said graph, so as to visually analyze correlations between document properties.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this


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final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

May 11, 2006